UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT DISTRICT OF N.H. FILED

2004 JUL 26 P 3: 49

VENISE THERESA GONYA, as representative of the Estate of Joseph E. Gonya, deceased individually and on behalf of all others similarly situated; ROXANNE S. SCAIFE, as representative of the Estate of Arnold L. stone, deceased, individually and on behalf of all others similarly situated,

Plaintiffs.

Civil No. 04-221-M

[CLASS ACTION]

v.

ROGER A. SEVIGNY, Commissioner of the State of New Hampshire Insurance Department, in his official capacity as Insurance Commissioner and liquidator of The Home Insurance Company; PETER W. HEED, Attorney General of the State Of New Hampshire, in his official capacity,

Defendants.

ASSENTED-TO MOTION FOR EXTENSION OF TIME UNTIL AUGUST 2, 2004 TO FILE OBJECTION TO MOTION FOR PRELIMINARY INJUNCTION

NOW COME the Defendants, Roger A. Sevigny in his official capacity as

Insurance Commissioner and liquidator of The Home Insurance Company, and Peter

Heed (now Kelly Ayotte)), Attorney General, in his/her official capacity and move that
they be allowed until August 2, 2004 to file an objection to plaintiff's *Motion for*Preliminary Injunction. In support of this motion, defendants submit the following:

- 1. The answer to plaintiff's complaint is due on August 2, 2004.
- A hearing on plaintiff's similar filing in state court is scheduled for July
 27, 2004 in Merrimack County Superior Court.



- 3. No hearing on plaintiff's *Motion for Preliminary Injunction* has been scheduled in this Court and no other deadlines will be affected by the granting of this motion.
- 4. Counsel for the plaintiffs has been contacted and assents to the granting of this motion.
- 5. No memorandum of law is necessary as all pertinent information is contained herein.

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Grant this motion; and
- B. Grant such other and further relief as may be just and proper.

Respectfully submitted,

ROGER SEVIGNY ET AL.

By and through their counsel,

KELLY A. AYOTTE, Attorney General

Daniel J. Mullen (#1830) Associate Attorney General

N.H. Department of Justice

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